

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-12 were previously cancelled.

Claims 16, 18, 21, 22 and 24 are currently amended.

Claim 25 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 13-25 (13 claims) are now pending in this application.

The present application is a national phase application in the United States of International Application No. PCT/EP03/01889, filed on February 25, 2003 and claims priority back to German Application No. 10209759.3 filed on March 5, 2002.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

On pages 2 and 3 of the Office Action, the Examiner has rejected claims 16, 18, 21, 22 and 24 under 35 U.S.C. §112, second paragraph.

In response, Applicant has amended those claims and provides the following comments:

a. With regard to claim 16, Applicant has deleted the phrase "in particular with a stepping motor" at the end of claim 16. Further, Applicant has added a new claim 25 which

depends from claim 16 stating that the electric drive (6) is an electric stepping motor. Support for the amendment and the new claim can be found in paragraphs 0009 and 0028 of the substitute specification.

b. With regard to claim 18, Applicant has deleted the term “or” between electronic and mechanical torque limitation and the claim now reads “wherein the electric drive (6) has one of an electronic torque limitation and a mechanical torque limitation”. Support for this amendment can be found in paragraphs 0011, 0031, and 0036 of the substitute specification.

c. With respect to claim 21, Applicant has deleted the words “the passenger compartment – preferably from” and amended the claim to now state that the electric drive (6) can be actuated from one of the seat and a dashboard. Support for this amendment can be found in paragraph 0041 of the substitute specification.

d. With respect to claim 22, Applicant has deleted the words “or one or more” and amended the claim to recite “one of the backrest (3) and backrest parts (4, 5) is folded over by wireless remote control”. Support for the amendment can be found in paragraphs 0041 and 0047 of the substitute specification.

e. With regard to claim 24, Applicant has deleted the words “or at least” and amended the claim as stating “one of the backrest (3) and a backrest part (4, 5)”. Support for the amendment can be found in paragraph 0019 of the substitute specification.

Applicant now believes that claims 16, 18, 21, 22 and 24, as amended, particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Accordingly, Applicant respectfully requests that the Examiner withdraw his rejection of claims 16, 18, 21, 22 and 24 under 35 U.S.C. §112, second paragraph.

Applicant notes that on page 3 of the Office Action, the Examiner has allowed claims 13-15, 17, 19, 20 and 23.

Applicant notes that on the first page of the Office Action Summary, the Examiner has checked paragraph 10 that the drawings filed on September 1, 2004 are objected to by the

Examiner. However, the Examiner has not made any comments with respect to his objection. Applicant submits that the claims, as amended, are reflected in the drawings that were originally filed and request that the Examiner withdraw his objection to the drawings.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 01-04-06

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